

House Study Bill 612 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to the state public defender pilot project and
2 legal representation in child welfare cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 13B.13 State public defender pilot
2 project — child welfare legal representation.

3 Notwithstanding any other provision of the law to the
4 contrary, for each fiscal year for the period beginning July
5 1, 2020, and ending June 30, 2024, the state public defender
6 may establish a pilot project to implement innovative models
7 of legal representation in order to assist families involved
8 in the child welfare system. The state public defender shall
9 have sole discretion to establish and implement the pilot
10 project. The state public defender may implement the new
11 pilot project in up to six counties throughout the state.
12 The purpose of the pilot project is to implement and study
13 innovative ways, through a team approach or through other
14 methods, to achieve positive outcomes for families, reduce
15 trauma to young children, and deliver financial benefits to
16 families and their communities. The state public defender
17 may coordinate with other agencies and organizations to
18 implement the pilot project, seek grant funding, and measure
19 the results. The state public defender may appoint an attorney
20 to represent an indigent person prior to initiation of formal
21 proceedings, without court order, if such representation is
22 deemed appropriate by the state public defender and relates to
23 the purposes of the pilot project.

24 Sec. 2. Section 815.11, Code 2020, is amended to read as
25 follows:

26 **815.11 Appropriations for indigent defense — fund created.**

27 Costs incurred for legal representation by a court-appointed
28 attorney under [chapter 229A](#), [665](#), [822](#), or [908](#), or section
29 [232.141](#), subsection 3, paragraph “d”, or [section 598.23A](#),
30 [600A.6B](#), [814.9](#), [814.10](#), [814.11](#), [815.4](#), [815.7](#), or [815.10](#) on
31 behalf of an indigent shall be paid from moneys appropriated by
32 the general assembly to the office of the state public defender
33 in the department of inspections and appeals and deposited in
34 an account to be known as the indigent defense fund. Costs
35 incurred representing an indigent defendant in a contempt

1 action, ~~or~~ representing an indigent juvenile in a juvenile
2 court proceeding, or representing a person pursuant to section
3 13B.13 are also payable from the fund. However, costs incurred
4 in any administrative proceeding or in any other proceeding
5 under this chapter or chapter 598, 600, 600A, 633, 633A, 814,
6 or 915 or other provisions of the Code or administrative rules
7 are not payable from the fund.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill permits the state public defender to establish a
12 pilot project beginning July 1, 2020, and ending June 30, 2024,
13 to implement innovative models of parental and child legal
14 representation in order to assist families involved in the
15 child welfare system. The bill specifies that the state public
16 defender shall have sole discretion to establish the pilot
17 project in no more than six counties throughout the state. The
18 bill allows the state public defender to coordinate with other
19 agencies and organizations in order to implement the pilot
20 project, seek grant funding, and measure the results. The bill
21 also allows the state public defender to appoint an attorney
22 to represent an indigent person prior to initiation of formal
23 proceedings, without court order, if such representation is
24 deemed appropriate by the state public defender and relates to
25 the purposes of the pilot project. The bill allows attorneys
26 appointed through the pilot project to be paid from the
27 indigent defense fund.